



General Assembly

February Session, 2006

Raised Bill No. 287

LCO No. 1894

01894_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING REVISIONS TO THE DRY CLEANING
REMEDATION ACCOUNT PROVISIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-263m of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2006*):

4 (a) As used in this section: (1) "Eligible dry cleaning establishment"
5 means any place of business engaged in the cleaning of clothing or
6 other fabrics using tetrachlorethylene, Stoddard solvent or other
7 chemicals or any place of business that accepts clothing or other fabrics
8 to be cleaned by another establishment using such chemicals, and (2)
9 "gross receipts at retail" means the total amount accruing from dry
10 cleaning services at retail, valued in money, without any deduction for
11 the cost of the materials used, labor or service cost or any other
12 expense.

13 ~~[(a)]~~ (b) There shall be paid to the Commissioner of Revenue
14 Services by each dry cleaning establishment, as defined in this
15 subsection, a surcharge of one per cent of its gross receipts at retail for

16 any dry cleaning service performed on or after January 1, 1995. Each
17 such establishment shall register with the Commissioner of Revenue
18 Services on forms prescribed by him. Each such establishment shall
19 submit a return quarterly to the Commissioner of Revenue Services,
20 applicable with respect to the calendar quarter beginning January 1,
21 1995, and each calendar quarter thereafter, on or before the last day of
22 the month immediately following the end of each such calendar
23 quarter, on a form prescribed by the commissioner, together with
24 payment of the quarterly surcharge determined and payable in
25 accordance with the provisions of this section. Whenever such
26 surcharge is not paid when due, a penalty of ten per cent of the
27 amount due or fifty dollars, whichever is greater, shall be imposed,
28 and such surcharge shall bear interest at the rate of one per cent per
29 month or fraction thereof until the same is paid. The Commissioner of
30 Revenue Services shall cause copies of a form prescribed for
31 submitting returns as required under this section to be distributed to
32 persons subject to the surcharge. Failure to receive such form shall not
33 be construed to relieve anyone subject to the surcharge under this
34 section from the obligations of submitting a return, together with
35 payment of such surcharge within the time required. The provisions of
36 sections 12-548 to 12-554, inclusive, and sections 12-555a and 12-555b
37 shall apply to the provisions of this section in the same manner and
38 with the same force and effect as if the language of said sections 12-548
39 to 12-554, inclusive, and sections 12-555a and 12-555b had been
40 incorporated in full into this section and had expressly referred to the
41 surcharge imposed under this section, except to the extent that any
42 such provision is inconsistent with a provision of this section and
43 except that the term "tax" shall be read as "dry cleaning establishment
44 surcharge". Any moneys received by the state pursuant to this section
45 shall be deposited into the account established pursuant to subsection
46 [(b)] (c) of this section. [For the purposes of this section, "dry cleaning
47 establishment" means any place of business engaged in the cleaning of
48 clothing or other fabrics using tetrachlorethylene, Stoddard solvent or
49 other chemicals or any place of business which accepts clothing or

50 other fabrics to be cleaned by another establishment using such
 51 chemicals and "gross receipts at retail" means the total amount
 52 accruing from dry cleaning services at retail, valued in money, without
 53 any deduction for the cost of the materials used, labor or service cost or
 54 any other expense.]

55 [(b)] (c) There is established an account within the General Fund to
 56 be known as the "dry cleaning establishment remediation account".
 57 Said account shall contain any moneys required by law to be deposited
 58 in the account. Any balance remaining in the account at the end of any
 59 fiscal year shall be carried forward in the account for the fiscal year
 60 next succeeding. The account shall be used by the Department of
 61 Economic and Community Development for grants made to owners or
 62 operators of eligible dry cleaning establishments or owners of property
 63 on which an eligible dry cleaning establishment has been in operation
 64 for at least a year prior to the approval of the application and there
 65 exists [a] an eligible dry cleaning establishment at the time of release of
 66 funds, pursuant to subsections [(c)] (d) and [(d)] (e) of this section.

67 [(c)] (d) The state, acting through the Commissioner of Economic
 68 and Community Development, shall use the dry cleaning
 69 establishment remediation account to provide grants to applicants for
 70 the purposes of the containment and removal or mitigation of
 71 environmental pollution resulting from the discharge, spillage,
 72 uncontrolled loss, seepage or filtration of chemical liquids or solid,
 73 liquid or gaseous products or hazardous wastes on or at the site of [a]
 74 an eligible dry cleaning establishment or for measures undertaken to
 75 prevent such pollution which are approved by the Commissioner of
 76 Environmental Protection. In order to qualify for a grant under the
 77 provisions of this section an applicant must demonstrate to the
 78 satisfaction of the Commissioner of Economic and Community
 79 Development that (1) the subject eligible dry cleaning establishment is
 80 using or has previously used, tetrachlorethylene or Stoddard solvent
 81 or other chemicals for the purpose of cleaning clothes or other fabrics,
 82 (2) the applicant has been doing business and has maintained its

83 principal office and place of business at the site for a period of at least
 84 one year prior to the submission date or approval date of the
 85 application for assistance under this section, [and] (3) the applicant is
 86 not in arrears with regard to any tax levied by the state or any political
 87 subdivision of the state, including, but not limited to, the dry cleaning
 88 surcharge imposed by subsection (b) of this section, and (4) the owner
 89 of the property on which the subject eligible dry cleaning
 90 establishment is located, if such owner is not the applicant, is not in
 91 arrears with regard to any tax levied by the state or any political
 92 subdivision of the state. Any funds disbursed as a grant under this
 93 section shall not be subject to attachment in the satisfaction of any
 94 judgment against the recipient of such grant in any civil action.

95 [(d)] (e) Notwithstanding the terms of any grant made under this
 96 section, an applicant shall bear all the costs of such pollution that are
 97 less than ten thousand dollars. The Commissioner of Economic and
 98 Community Development [shall] may provide a grant of up to three
 99 hundred thousand dollars to the applicant where the applicant has
 100 provided said commissioner with documentation satisfactory to said
 101 commissioner that the services for which payment is sought have been
 102 or will be completed. No applicant shall receive more than three
 103 hundred thousand dollars [per calendar year] per eligible dry cleaning
 104 establishment. There shall be allocated to the Department of Economic
 105 and Community Development annually from the account, for
 106 administrative costs, an amount equal to five per cent of the maximum
 107 balance of the account in the preceding year or one hundred thousand
 108 dollars, whichever is greater. In addition the account may be used (1)
 109 to provide grants to the Department of Environmental Protection for
 110 expenditures made investigating dry cleaning establishments, (2) to
 111 provide potable water whenever necessary, and (3) to conduct
 112 environmental site assessments.

113 [(e)] (f) Requests for grants shall be made to the Commissioner of
 114 Economic and Community Development. Any applicant seeking
 115 grants shall provide documentation supporting the need for the grant.

116 [(f)] (g) Any dry cleaning establishment which unlawfully or
 117 intentionally discharges or spills any chemical liquids or solid, liquid
 118 or gaseous products or hazardous wastes shall not be eligible for
 119 grants from the account.

120 [(g)] (h) The Commissioner of Economic and Community
 121 Development shall establish procedures for distribution of the grants
 122 and shall adopt criteria to carry out the provisions of this section. Such
 123 criteria shall specify (1) who may apply for grants; (2) how
 124 establishments, whether owned or leased, will be determined to be
 125 eligible for grants; and (3) the costs for which a grant may be made.

126 [(h)] (i) On or after February 1, [2000] 2007, and annually thereafter,
 127 the Commissioner of Economic and Community Development shall
 128 submit a report, in accordance with section [11-4a] 32-1m of the 2006
 129 supplement to the general statutes, to the joint standing committee of
 130 the General Assembly having cognizance of matters relating to the
 131 environment regarding the account and grant program established
 132 under this section. Such report shall include information as to the
 133 number of applications received, and the number and amounts of
 134 grants made, since the inception of the program, the names of the
 135 applicants, the time period between submission of application and the
 136 decision to grant or deny the loan, which applications were approved
 137 and which applications were denied and the reasons for denial. Such
 138 report shall further include a recommendation as to whether the
 139 surcharge and the grant program established under this section should
 140 continue.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2006	12-263m
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Statement of Purpose:

To revise the provisions of the dry cleaning establishment remediation account.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]